

UNITED STATES DISTRICT COURT

for the
Eastern District of Pennsylvania

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Orlando Rivera ([REDACTED] Inmate #193646)
located in Lehigh County Prison Allentown, PA,
see Attachment A for further details

Case No. 18- 416 -M

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Eastern District of Pennsylvania, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

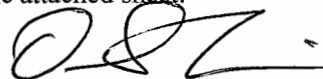
The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. 2251(a)	Production of child pornography
18 U.S.C. 2422(b)	Coercion and enticement of a minor
18 U.S.C. 1470	Transfer of obscene material to a minor

The application is based on these facts:

See attached Affidavit, which also incorporates Attachments A and B.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

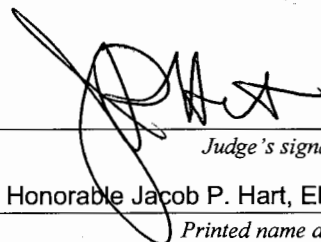
Daron Schreier, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 5-22-18

City and state: Philadelphia, Pennsylvania



Judge's signature

Honorable Jacob P. Hart, EDPA Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Daron Schreier, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation, and have been since January of 2006. Since August of 2006, I have been assigned to the Philadelphia Division where I have been a member of the Joint Terrorism Task Force, the Cyber Squad, and most recently the Violent Crimes Against Children squad. I have received training from the FBI in the fields of international terrorism, counter-intelligence, computer crime, and the enforcement of federal child pornography laws. As a federal agent, I am authorized to investigate violations of laws of the United States and am a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

2. I submit this application and affidavit in support of a search warrant authorizing a search of ORLANDO RIVERA's person, specifically to photograph RIVERA's body, as further described in Attachments A and B. I seek to seize evidence of the above mentioned criminal violations, which relates to the transfer of obscene material to the victim and the coercion of the victim by ORLANDO RIVERA to capture and send sexually explicit visual depictions of the victim to ORLANDO RIVERA. I request authority to photograph RIVERA's body as specified in Attachment B, and to seize all items listed in Attachment B as evidence of the crime.

3. The statements in this affidavit are based on information from the Facebook page of ORLANDO RIVERA and of the victim that was obtained via a search warrant by your affiant, as well as information provided by the victim to Lancaster City Police Detective Randell Zook, a Child Exploitation Task Force Officer with the FBI, and Detective Lonnie Roloff of Nobles

County Sheriff Department, Nobles County, Minnesota. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence of the violations of 18 U.S.C. §§2422(b), 2251(a) and (e), and 1470 is presently located on the person of ORLANDO RIVERA.

Introduction

4. This Federal Bureau of Investigation, led by Lancaster City Detective Randell Zook who is a Child Exploitation Task Force Office with the FBI, is investigating the activities of the ORLANDO RIVERA, DOB [REDACTED], Inmate #193646, who is currently located at Lehigh County Prison, 38 N. 4th Street, Allentown, PA. As will be shown below, there is probable cause to believe that ORLANDO RIVERA coerced and persuaded the victim to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct, in violation of 18 U.S.C. § 2422(b). There is also probable cause to believe that ORLANDO RIVERA directed the victim to capture sexually explicit visual depictions of herself, and such depictions were produced using materials that were mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of 18 U.S.C. §§ 2251(a) and 2251(e). There is also probable cause to believe that ORLANDO RIVERA used a means or facility of interstate commerce to knowingly transfer an obscene matter (images of an exposed adult male erect penis) to the victim, who had not attained the age of 16 years, in violation of 18 U.S.C. § 1470.

5. On November 2, 2017, a federal grand jury for the Eastern District of Pennsylvania charged ORLANDO RIVERA by Indictment with one count of use of an interstate

commerce facility to entice a minor to engage in sexually explicit conduct (18 U.S.C. § 2422(b)); two counts of manufacturing of child pornography (18 U.S.C. § 2251(a)); and two counts of transferring of obscene material to a minor (18 U.S.C. § 1470).

6. On November 16, 2017, the Honorable Henry S. Perkin, Magistrate Judge, ordered ORLANDO RIVERA detained pending trial. RIVERA is currently being held in Lehigh County Prison in Allentown, Pennsylvania.

STATUTORY AUTHORITY

7. This investigation concerns alleged violations of 18 U.S.C. §§2422(b), 2251(a) and (e), and 1470, relating to the transfer of obscene material to the victim and the coercion of the minor victim by ORLANDO RIVERA to capture and send sexually explicit visual depictions of the minor victim to ORLANDO RIVERA.

- a. 18 U.S.C. § 2422 (b) prohibits a person from knowingly using a facility and means of interstate and foreign commerce, that is, the Internet, to persuade, induce, entice and coerce any minor, that is, a person under the age of 18 years, to engage in sexual activity, for which any person could be charged with a criminal offense, in this case, the manufacture of child pornography in violation of 18 U.S.C. § 2251(a) and (e).
- b. 18 U.S.C. § 2251(a) and (e) prohibits a person from employing, using, persuading, inducing, enticing or coercing any minor, that is, a person under the age of 18 years, to engage in, or who has a minor assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of that conduct, or for the purpose of transmitting a live visual depiction of such conduct, knowing or having reason to know that such depictions would be

transported or transmitted using any means or facility of interstate or foreign commerce, or in or affecting interstate or foreign commerce, including by computer, if such depictions were produced using materials that were mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

- c. 18 U.S.C. § 1470 prohibits a person from using the mail or a means or facility of interstate or foreign commerce to knowingly transfer an obscene matter to any minor under the age of 16 years, knowing that the minor was under the age of 16 years of age, or any attempts to do so.

DEFINITIONS

- 8. The following definitions apply to this Affidavit:
 - a. “Child Pornography” includes any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct; (b) the visual depiction was a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct; or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct. *See* 18 U.S.C. § 2256(8).
 - b. “Computer” refers to “an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device.” *See* 18 U.S.C. § 1030(e)(1).

- c. “Computer hardware” consists of all equipment that can receive, capture, collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, or similar computer impulses or data. Computer hardware includes any data-processing devices (including, but not limited to, central processing units, internal and peripheral storage devices such as fixed disks, external hard drives, floppy disk drives and diskettes, and other memory storage devices); peripheral input/output devices (including, but not limited to, keyboards, printers, video display monitors, and related communications devices such as cables and connections); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (including, but not limited to, physical keys and locks).
- d. “Minor” means any person under the age of 18 years. *See* 18 U.S.C. § 2256(1).
- e. “Sexually explicit conduct” applies to visual depictions that involve the use of a minor, *see* 18 U.S.C. § 2256(8)(A), or that have been created, adapted, or modified to appear to depict an identifiable minor, *see* 18 U.S.C. § 2256(8)(C). In those contexts, the term refers to actual or simulated (a) sexual intercourse (including genital-genital, oral-genital, or oral-anal), whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic areas of any person. *See* 18 U.S.C. § 2256(2)(A).
- f. “Visual depictions” include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. *See* 18 U.S.C. § 2256(5).

BACKGROUND ON COMPUTERS AND CHILD PORNOGRAPHY

9. Based on my knowledge, training, and experience in child exploitation and child pornography investigations, and the experience and training of other law enforcement officers with whom I have had discussions, I know that computers, computer technology, and the Internet have revolutionized the manner in which child pornography is produced and distributed.

10. Computers basically serve four functions in connection with child pornography: production, communication, distribution, and storage.

11. Child pornographers can transpose photographic images from a camera into a computer-readable format with a scanner. With digital cameras, the images can be transferred directly onto a computer. A modem allows any computer to connect to another computer through the use of telephone, cable, or wireless connection. Through the Internet, electronic contact can be made to literally millions of computers around the world.

12. The computer's ability to store images in digital form makes the computer itself an ideal repository for child pornography. The size of the electronic storage media (commonly referred to as the hard drive) used in home computers has grown tremendously within the last several years. These drives can store thousands of images at very high resolution.

13. The Internet affords collectors of child pornography several different venues for obtaining, viewing and trading child pornography in a relatively secure and anonymous fashion.

14. Collectors and distributors of child pornography also use online resources to retrieve and store child pornography, including services offered by Internet Portals such as Yahoo! and Hotmail, among others. The online services allow a user to set up an account with a remote computing service that provides e-mail services as well as electronic storage of computer files in any variety of formats. A user can set up an online storage account from any computer

with access to the Internet. Evidence of such online storage of child pornography is often found on the user's computer. Even in cases where online storage is used, however, evidence of child pornography can be found on the user's computer in most cases.

15. As with most digital technology, communications made from a computer are often saved or stored on that computer. Storing this information can be intentional, for example, by saving an e-mail as a file on the computer or saving the location of one's favorite websites in "bookmarked" files. Digital information can also be retained unintentionally. Traces of the path of an electronic communication may be automatically stored in many places, such as temporary files or ISP client software, among others. In addition to electronic communications, a computer user's Internet activities generally leave traces in a computer's web cache and Internet history files. A forensic examiner often can recover evidence that shows whether a computer contains peer-to-peer software, when the computer was sharing files, and some of the files that were uploaded or downloaded. Such information is often maintained indefinitely until overwritten by other data.

BACKGROUND OF THE INVESTIGATION

16. On December 12, 2016, law enforcement received three CyberTipline Reports were from the National Center for Missing and Exploited for Children (NCMEC). CyberTip Report number 15671130 was for Online Enticement of Children Sexual Acts and the incident time was 09-15-2016 at 01:03:00 UTC. The reason the Electronic Service Provider (ESP) contacted NCMEC for this incident was: "A 28-year-old male enticed a 15-year-old female to produce and send him apparent Child Exploitation Images." The report listed the a facebook page under the name "Alex Jones" and referenced the suspected minor's name, her identifiers, and her date of birth. The minor, whose identity is known to your affiant, is a white female who

was born in the year 2001. For the purposes of protecting the child's identity, she is listed herein as "Minor #1."

17. The report also listed the 28-year-old suspect as being Orlando RIVERA (H/M/28 DOB: 09/22/1988). The other reports were for suspected child pornography involving the same Minor #1 and suspect. The CyberTip Reports included a DVD that contained the images and communications between RIVERA and the Minor #1.

18. Detective Zook reviewed the images enclosed with the NCMEC report. The images include multiple close up photographs which focused on either a vagina or penis.

19. The chats between Minor #1 and RIVERA occurred between September 15, 2016 through September 29, 2016. The sexually explicit images, described in the NCMEC report, were taken through October 18, 2016. The mentioned dates and times are documented in the CyberTip and are documented in UTC time. The chats that were captured show that RIVERA was actively requesting that Minor #1 produce sexually explicit images of herself and send them to RIVERA over the internet. RIVERA also discussed traveling to meet the Minor #1 and engaging in sexual activity with her. RIVERA discussed driving to pick her up near her home, which is located in Minnesota.

20. Detective Roloff, a Nobles County Sheriff in Minnesota, interviewed Minor #1 and she identified RIVERA from a photo array. Minor #1 also confirmed she used the screen name "Alex Jones" to talk to RIVERA on Facebook. Rivera portrayed himself to Minor #1 as being 17 years-old. Minor #1 said RIVERA aggressively requested photographs from her. She originally told RIVERA that she was 16 years old prior to his asking for naked pictures. She later told him she was 15-years old, which was her true age. She had no doubt in her mind that

RIVERA knew she was 15 when he requested that she produce sexually explicit photographs of herself and send them to him.

21. Minor #1 further said they used Facebook to communicate, including video chat.

22. On June 15, 2017, the Honorable Carol Sandra Moore Wells, United States Magistrate Judge, authorized a search warrant on information associated with Facebook users ids listed in the NCMEC report and attributed to Orlando RIVERA (Facebook User ID 100013311827419) and Minor #1. Your affiant executed the warrant using the Law Enforcement Portal of Facebook. On June 28, 2017, I received the results of this request and downloaded them to a DVD. This DVD was later given to Detective Zook for review.

23. Based on the investigation and the Facebook records, there is reason to believe that ORLANDO RIVERA is the user of the Facebook user ID listed in paragraph 22, in part, because of the following:

- g. The cover photo on the Facebook account is of RIVERA with his mother
(Detective Zook has met RIVERA's mother)
- h. On 9/14/2016, RIVERA told Minor #1, "This is Orlando i want to have sex with u."
- i. On 10/15/16, in chats with Beth Newman (who was identified as being a former girlfriend of RIVERA), RIVERA stated that there was a fire across the street, and my investigation hs shown that there was, in fact, a fire on King Street across from RIVERA'S residence
- j. On 9/18/2016 and 10/13/2016, RIVERA sent a photo of himself to Newman
- k. On 9/22/2016, RIVERA told Newman that his Netflix password was "orlando88"

- l. On 9/14/2016, in a chat with an account in the name of Nikki Hines, when discussing a potential visit, RIVERA stated that his address was "229 east king" [which was accurate]
- m. Minor #1 reported that she video chatted with this Facebook user and identified RIVERA from a photo array

24. The records of the Facebook account associated with ORLANDO RIVERA showed that RIVERA sent seven (7) unique images, some multiple times, of an adult erect male penis to the Minor #1, for a total of ten (10) instances. On each occasion the defendant knew that the Minor #1 was under the age of 16 when he sent the images to her. Minor #1 sent four (4) unique images of her genitals, and some multiple times, for a total of six (6) instances, as well as additional images of her breasts, to RIVERA. Some of the images sent and communications between RIVERA and the Minor #1 are described below:

- a. On September 14, 2016, RIVERA told Minor #1, "Better be naked" and "This is Orlando i want to have sex with u."
- b. On September 15, 2016, RIVERA said "Fuck that whore where my pics."
- c. On September 19, 2016, the following chat excerpts occurred:

RIVERA: Why don't u prove u only want to be with me
Minor #1: idk how
RIVERA: just think about it
Minor #1: sex?
RIVERA: if u want
RIVERA: Prove it
RIVERA: You want to be with me

[records show phone call using Facebook between these accounts]

RIVERA: Send me new pics u doing stuff to yourself
Minor #1: ????

Minor #1 sent a photo taken from her torso pointing toward her face. Her face, breasts and genitals are exposed. Her legs are spread open and her right hand is partially inserted into her vagina.

RIVERA: Least ten different ones
Minor #1: ...
RIVERA: U doing ten different thing to your self
RIVERA: Mean even your butt if u need too
...
RIVERA To prove u want to be with me.

d. On September 21, 2016, the following chat excerpts occurred:

RIVERA: Hi
Minor #1: **Minor #1 sent a photo of her breasts, abdomen and genital area.**
RIVERA: Call me back

e. On September 22, 2016, the following chat excerpts occurred:

Minor #1: **Minor #1 sent same photo as one sent on 9/21/16.**
RIVERA: I seen that already
Minor #1: Ik
...
Minor #1: I'm gonna miss u
RIVERA: Why
RIVERA: I am jerking it
Minor #1: Bc Ur my only
RIVERA: Huh
Minor #1: Ur the 1 want
RIVERA: Me to is wish I could watch you masturbate
Minor #1: How bout I let u watch me and I watch u
RIVERA: Ok
Minor #1: Call

[records show video transmissions between these Facebook accounts]

RIVERA: **RIVERA sent image of exposed penis**
Minor #1: **Minor #1 sent same photo as one sent on 9/21/16.**
Minor #1: ORLANDO
RIVERA: Yes
Minor #1: This is what Ur missin
RIVERA: Not like I can see anything
Minor #1: Wym
RIVERA: Let see better ussy pic
Minor #1: Later
RIVERA: Why
Minor #1: To tired
RIVERA: Please I do anything to see please

f. On September 29, 2016, the following chat excerpts occurred:

RIVERA: But I want some sexy pics of u

Minor #1: I can give u bj instead
 RIVERA: Yes I want some sexy pic please
 Minor #1: 1
 RIVERA: Ok better be good one
 Minor #1: Hon I'm gonna give u a bj at 7:30am
 Minor #1: It has to be decent
 RIVERA: Ok and that pic now please
 RIVERA: I want sexy pic
 Minor #1: **Minor #1 sent photo of her face and exposed breasts while underneath her bedsheets.**
 RIVERA: Let me see the pussy and ass to please
 Minor #1: Send dick pic then
 RIVERA: OK u first
 RIVERA: **RIVERA sent photo of penis.**
 Minor #1: **Minor #1 sent photo of her genital area and inner thighs.**
 RIVERA: Better pic I can see it
 RIVERA: I want see pussy pic and ass pic
 Minor #1: **Minor #1 sent photo of her exposed buttocks.**
 RIVERA: Yummy
 ...
 RIVERA: Can I get a better pussy pic with it open
 RIVERA: Please
 Minor #1:: **Minor #1 sent photo of her genitals with fingers being used to expose the vagina**
 RIVERA: Omg I want to eat your candy
 Minor #1: Y
 RIVERA: Look good
 Minor #1: Will I be late if we fucked tomorrow morning

25. Detective Zook, who reviewed all images obtained in this case, noted that there are unique and identifying characteristics among the images of the adult erect male penis. While the face of the male depicted in these above described images is not visible, his abdomen, genital and leg areas are visible and appear to be covered in dark body hair. Additionally, there is a mole or birthmark visible on the left inner thigh of the adult male. The adult male penis is circumcised and in the photos that were taken from above and looking down at the penis, the penis appears to have a slight bend. Finally, Detective Zook has met RIVERA in person, and the male in the photos has a light to medium skin tone, similar to that of ORLANDO RIVERA.

CONCLUSION

26. As described in this affidavit, the images of the perpetrator's penis, abdomen, genitals, and legs were recovered in a Facebook account believed to be used by RIVERA. The victim further confirms the finding that these images were produced and distributed by RIVERA. Based on a visual comparison, the body parts depicted in the images appear to be consistent with RIVERA's skin tone.

27. Based on the aforementioned information, your Affiant respectfully submits that there is probable cause to believe that ORLANDO RIVERA has violated 18 U.S.C. §§ 2422(b), 2251(a) and (e), and 1470. Additionally, there is probable cause to believe that evidence, listed in Attachment B to this affidavit, of criminal offenses, namely, violations of 18 U.S.C. §§2422(b), 2251(a) and (e), and 1470, is located on the person of ORLANDO RIVERA.

28. Your Affiant, therefore, respectfully requests that the attached warrant be issued authorizing the search and seizure of the items listed in Attachment B.

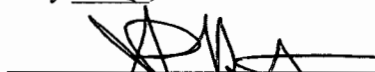
Respectfully submitted,



Daron Schreier
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on

May 22, 2018



THE HONORABLE JACOB P. HART
United States Magistrate Judge

ATTACHMENT A
(Location to Be Searched)

Location to be searched is the body of the person of ORLANDO RIVERA, date of birth September 22, 1988, who is currently located at Lehigh County Prison, 38 N. 4th Street, Allentown, Pennsylvania (Inmate #193646).

ATTACHMENT B
(Items to be searched for and seized)

Evidence of violations of 18 U.S.C. Sections 2422(b), 2251(a) and (e), and 1470, including the following:

1. Photographs of the nude body of person ORLANDO RIVERA. Specifically but not limited to photographs of the abdomen, legs, feet, genitals, and penis, to include any evidence of circumcision, discoloration, pigmentation, grooming and/or abnormalities thereof. This may require disrobing of RIVERA's body.